

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:10-CR-279-BR-1

UNITED STATES OF AMERICA

v.

GABRIEL GUZMAN-MORENO,

Defendant.

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ORDER

This case comes before the court sua sponte following the submission to it today of a Certificate of Restoration of Competency to Stand Trial by the Federal Medical Center at Butner, North Carolina (“FMC-Butner”), pursuant to this court’s 23 November 2010 order (D.E. 22).

IT IS ORDERED as follows:

1. The court shall conduct a hearing in accordance with 18 U.S.C. § 4241(e) and § 4247(d) to determine the mental competency of defendant on Thursday, 14 July 2011, at 2:00 p.m. in the 6th Floor Courtroom of the Terry Sanford Federal Building and Courthouse, 310 New Bern Avenue, Raleigh, North Carolina.
2. If defendant is determined to be competent, the court shall proceed immediately with a renewed initial appearance on the indictment (D.E. 1).
3. Defendant and counsel of record shall attend the hearing.
4. By 11 July 2011, each party shall file a memorandum addressing:
 - a. whether or not the party contests defendant’s competency;
 - b. whether or not the party intends to call any witnesses at the competency hearing and, if so, the name of each witness and a description of the witness’s expected testimony; and

c. such other relevant matters as the party wishes to bring to the court's attention.

5. Defendant shall remain at FMC-Butner pending further order of the court.

6. The Clerk is DIRECTED to transmit a copy of this order to the appropriate official at FMC-Butner.

SO ORDERED, this the 1st day of July 2011.



James E. Gates
United States Magistrate Judge